

Serial No. 09/856,451

REMARKS

Status of the claims

Newly added Claims 60-66 are pending. Claims 37-43, 45, and 53-59 have been cancelled. Claims 33-36, 44, and 46-52 are drawn to non-elected subject matter and are withdrawn.

In Rejection mailed Jan-13-2006 (Paper No 12302005), the Office Action Summary indicates an objection to Claim 43. However, in Examiner's conclusions on page 8 (and page 9), the claim objected to is Claim 42. In a telephone call on May 1, 2006, the Examiner indicated that Claim 43 is the objected to claim. As such, Applicants following comments are predicated on this clarification that the claim objected to is Claim 43.

Amendments to the claims

Claim 43 has been rewritten into independent Claim 60, incorporating the limitations of Claim 37 to which it depended as the Examiner indicated Claim 43 would be allowable if written in independent form. Claims 61-64 are rewritten forms of Claims 38-42, respectively which now depend from Claim 60. In addition, Claims 65 and 66 are rewritten forms of Claims 58 and 59 which have also been amended to depend from newly added Claim 60. The newly added claims do not add new subject matter as they find basis in the claims as originally filed.

REJECTIONS

I. Rejection under 35 U.S.C. 112, second paragraph

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. The Examiner alleges that correction is required for Claims 54-55 for reciting "wherein the aldehyde polymer and the protein in the solution are present in a ration of 0.08 to 24 on a mole polymer per mole protein basis" because the specification uses a molar excess of PEG-aldehyde, relative to the number of amines present on the protein. (Paper No 12302005, page 3).

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Applicants have cancelled Claims 54 and 55 and as such the rejection is moot. Applicants respectfully request withdrawal of the rejection.

II. Rejection of Claims under 35 U.S.C. 102(b), second paragraph and Rejection of Claims 37-41, 45 and 53-57 under 35 U.S.C. 103(a)

Claims 37-42 and Claim 59 are rejected under 35 U.S.C. 102(b) as anticipated by Delgado et al. (Pharmaceutical Sciences, 1997, v.3 pp59-66). In addition, Claims 37-41, 45 and 53-57 are rejected under 35 U.S.C. 103(a) as unpatentable over Delgado et al as evidenced by Francis et al and in view of Zalipsky et al, Chamow et al and Eschbach et al.

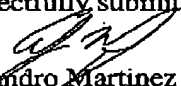
Applicants have cancelled Claims 37-42 and 59 and have rewritten objected to Claim 43 into independent form (Claim 60) which the Examiner indicated is allowable. As such, Applicants submit the rejection is moot. In addition, Applicants submit that Claims 61-66 which are dependent on Claim 60, an allowable claim, should also be allowed.

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CONCLUSIONS

Applicants have rewritten Claim 43(now pending Claim 60), which the Examiner has indicated is allowable if rewritten into independent form. Applicants submit that Claims 60-66 are therefore allowable as Claims 61-66 depend from an allowable claim. As such, Applicants respectfully request Claims 60-66 be allowed. If, for any reason, the Examiner feels that a telephone conversation would be helpful in expediting the prosecution of this case, the Examiner is urged to call me.

Respectfully submitted,


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